

1 Minutes of the
2 Bountiful City Council Meeting
3 City Council Chambers
4 July 22, 2008 - 7:00 p.m.
5

6 Present: Mayor: Joe L. Johnson
7 Council Members: Beth Holbrook, John Marc Knight, R. Fred
8 Moss, Scott Myers and Tom Tolman
9 City Manager: Tom Hardy
10 City Attorney: Russell Mahan
11 City Engineer: Paul Rowland
12 Admin. Services Director: Galen Rasmussen
13 Planning Director: Aric Jensen
14 Department Repre: Tom Ross, Police
15 Jerry Wilson, Parks/Recreation
16 Administrative Intern: Jeff Jensen
17 Recording Secretary: Nancy T. Lawrence
18

19 Official Notice of this meeting had been given by posting a written notice of same and an
20 Agenda at the City Hall and providing copies to the following newspapers of general circulation:
21 Davis County Clipper, Deseret News, and Salt Lake Tribune.
22

23 Mayor Johnson called the meeting to order at 7:00 p.m. and welcomed those in attendance.
24 Ben Stratton, visiting Boy Scout, led the pledge of allegiance to the flag, following which
25 Councilman Knight offered the prayer/thought.
26

27 **APPROVAL OF MINUTES**

28 Minutes of the regular City Council meeting held July 8, 2008 will be presented for
29 approval at the next regular meeting.
30

31 **EXPENDITURES AND EXPENSES APPROVED**

32 Mayor Johnson presented the Report of Expenditures and Expenses Greater than \$1,000 for
33 the following periods (with respective totals): June 26 - July 2, 2008 (\$939,361.58) and July 3 - 9,
34 2008 (\$1,154,088.09). Councilman Moss made a motion to accept the expenditure reports as
35 presented, Councilwoman Holbrook seconded the motion and voting was unanimous.
36 Councilpersons Holt, Knight, Moss, Myers and Tolman voted "aye".
37

38 **YOUTH COUNCIL REPORT**

39 Mary Bunker was in attendance representing the Youth Council. She noted that she is the
40 Youth Council representative for the Bountiful Handcart Days celebration. The Youth Council is
41 entering a float in the parade and will assist the Exchange Club with the breakfast on the 24th. She
42 reported that the Youth Council completed a service project by cleaning up the site at the old mill
43 on Orchard Drive and they will also be helping with Summerfest by hosting the International
44 Dancers at a party. Mayor Johnson noted that there will be a Mayor's reception on August 6th for
45 representatives from the international visitors and he invited the Youth Council to be in attendance.

1 He then thanked the Youth Council and their advisor (Councilman Knight) for the terrific job they
2 are doing.

3
4 **SINGLE EVENT PERMIT APPROVED FOR WIGHT HOUSE**
5 **RECEPTION CENTER - VICTOR H. CORTEZ**

6 Mr. Hardy presented the request of Victor H. Cortez for a Single Event Beer Permit to be
7 approved for an event to be held at the Wight House Reception Center (95 North Main Street) on
8 September 6, 2008. He reported that the event will be supervised, the applicants have no record of
9 any problems on their background check. It is the staff recommendation to approve this request.
10 Councilman Knight made a motion to approve the request for the Single Event Beer Permit,
11 Councilman Tolman seconded the motion and voting was unanimous with Councilpersons
12 Holbrook, Knight, Moss, Myers and Tolman voting "aye".

13
14 **PRESENTATION RE: DAVIS AREA CHAMBER OF COMMERCE -**
15 **JOHN PITT**

16 John Pitt was not in attendance and this item was delayed.

17
18 **PRELIMINARY AND FINAL APPROVAL OF WILSONWOOD**
19 **SUBDIVISION APPROVED - 785 SOUTH 100 EAST**

20 Mr. Rowland presented the request of Bountiful City (applicant) for preliminary and final
21 approval of Wilsonwood Subdivision at 785 South 100 East, a 3-lot subdivision which will be used
22 by Davis School District. Two of the lots will contain single-family homes constructed by students
23 enrolled in the District's Career and Technical carpentry program. The third lot, which has the
24 existing parking lot, will serve as a buffer between the Jr. High sports field and to reduce the on-
25 street parking during games and practices. If at some future date the use of the Jr. High property
26 changed, the District could ask the Council to remove this restriction. It is the recommendation of
27 staff and the Planning commission to grant preliminary and final subdivision approval, subject to
28 the following conditions:

- 29
30 1) Lot three shall remain a parking lot for the benefit of the users of the playing fields until
31 the fields are no longer used and the Council is willing to lift this restriction.
32 2) A *solid privacy* fence shall be constructed between the residential lots and the parking
33 lot and the school campus. The Council elected to change this condition to reflect that
34 the fence can be a "standard fence" and that the *solid* fence we waived. Further, Mr.
35 Hardy noted that there is already a chain link fence along the lots and it will be up to the
36 School District and the future property owners to determine the fencing between the
37 two residential lots.

38
39 Councilman Myers made a motion to grant preliminary and final subdivision approval, as
40 recommended, with the fence requirement waived. Councilwoman Holbrook seconded the motion
41 which carried unanimously. Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted
42 "aye".

43
44 **FINAL PLAT APPROVAL GRANTED FOR MURRAY SBDVN -**
45 **850 SOUTH LAKEVIEW DR., ROBERT MURRAY**

46 Mr. Rowland presented the request of Bob Murray for final plat approval of the Murray
47 Subdivision at 850 South Lakeview Drive. He reported that this matter has been before the

Planning Commission and comes to the Council with a positive recommendation from that body, as well as the staff, with the following conditions:

1. Provide a current title report.
2. Have the final plat signed by all owners listed on the title report.
3. If necessary, change the name to a unique name not previously used.
4. Correct the indicated redlines.
5. Indicate on the final plat that the area north of the creek is a non-buildable area.
6. Pay the following fees:

Move water line fee:	\$21,000.00 (estimate; actual charges will be assessed when work is done).
Storm Water Impact fee:	1,639.47
Checking fee:	100.00
Recording fee:	<u>50.00</u>
Total	\$22,789.47

Councilwoman Holbrook made a motion to grant final plat approval to the Murray Subdivision, as recommended. Councilman Knight seconded the motion and voting was unanimous. Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted “aye”.

COUNCIL DENIES ZONE MAP AMENDMENT - 551 EAST INDIAN SPRING ROAD

Mr. Aric Jensen reported that the Planning Commission held a public hearing and considered the request of property owners Barrett Peterson and Marc Menlove to request a zone map amendment from R-3 to RM-13 for the approximately 1.43 acres of land at 551 East Indian Springs Road. There is an existing 3-unit structure on the site and the applicants are attempting to bring this use into compliance before developing a subdivision. Following a lengthy discussion, it was the recommendation of the Planning Commission to deny the proposal, inasmuch it is basically spot zoning and would be contrary to Section 14-2-205 of the Bountiful City Land Use Ordinance, which states:

For the purpose of establishing and maintaining sound, stable, and desirable development within the City, it is declared to be the public policy that amendments shall not be made to this Ordinance or Map except to promote more fully the objectives and purpose of this Ordinance or to correct manifest errors.

In the meantime, the City Engineer and City Planner have met with the owners and discussed several options which will allow the owners to develop the property in accordance with the existing R-3 single-family zone. Based on this information, Councilwoman Holbrook made a motion to deny the request to amend the zone map as recommended by staff and the Planning Commission. Councilman Myers seconded the motion and voting was unanimous. Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted “aye”.

PUBLIC HEARING RE: REQUEST OF MIKE FAVATELLA FOR CONDITIONAL USE PERMIT - 1051 SO CANYON CREST DR.

Mayor Johnson outlined the procedure which would be followed to consider the appeal of Mark Wilkins regarding the Administrative Committee decision to approve the request of Mike Favatella for a Conditional Use permit to operate a contracting business out of his home. The Mayor noted that the City Council (in acting as the appeal body) has all the rights, responsibilities,

1 and limitations of the original decision body in considering this matter. However, Councilman
2 Knight cannot vote on the issue as he was part of the original decision making body.
3

4 Mr. Mahan explained the nature of the Mr. Favatella's business and provided
5 documentation (text and photos) related to the appeal filed by Mr. Wilkins. Mr. Aric Jensen
6 reviewed that he and Lloyd Cheney (the other member of the Committee) had suggested that
7 conditions could be placed on Mr. Favatella which would mitigate concerns of the neighbors. He
8 also reviewed the Code infractions made by Mr. Favatella regarding the *third* driveway on his
9 property.
10

11 At 7:40 p.m. the Mayor opened the public hearing to consider Mr. Wilkin's appeal. Mark
12 Wilkins (1075 Canyon Crest Drive) stated that the manner in which Mr. Favatella operates his
13 business is detrimental to the character of the residential neighborhood and to the peace and quality
14 of life and per the ordinance, it should not change the appearance of the neighborhood. He also
15 expressed concern that if conditions were placed on the business, there is no assurance that they
16 would be complied with inasmuch as Mr. Favatella has wilfully disregarded other City codes.
17

18 Diane Mathews (1115 South Canyon Crest), Kathleen Wilkins (1075 Canyon Crest), and
19 Dick Wetherell (1011 S Canyon Crest) spoke in opposition to the Conditional Use permit, noting
20 that Mr. Favatella "does what he wants" and they would "like to have their neighborhood back
21 again". Their main concern was the negative impact on property value and the loss of residential
22 neighborhood feeling.
23

24 Mr. Favatella stated that the Conditional Use permit was verbally approved at one time and
25 he reviewed the things which he has done to attempt to come into compliance with City codes and
26 neighbors concerns. With regard to the third driveway which is not hard-surfaced, he stated that it
27 will be poured in concrete on August 4th and he will have a garage 28' x 36' for the purpose of
28 concealing his business equipment (Alpine snow cats and trailers).
29

30 The Mayor closed the public hearing at 8:00 p.m. and following a thorough discussion by
31 the Council, Councilman Moss made a motion to deny the Conditional Use permit. Councilman
32 Tolman seconded the motion which carried unanimously (recognizing that Councilman Knight did
33 not participate in the discussion or the vote as explained above). Mr. Mahan indicated that he
34 would prepare Findings of Fact related to this matter.
35

36 **CONSIDER POSSIBLE CHANGE TO PERSONNEL POLICIES**
37 **AND PROCEDURES**

38 Mayor Johnson indicated that this matter will not be discussed this evening, but postponed
39 to a future meeting.
40

41 **RECYCLING ALTERNATIVES DISCUSSED; CONTRACT**
42 **WITH WASTE MANAGEMENT APPROVED**

43 Mayor Johnson reviewed that the Council has previously discussed alternatives for
44 supporting recycling and he noted the following major points:

- 45 1) Requiring a minimum number of participating residences;
- 46 2) Requiring a set contract period (4-year period as outlined by one contractor)
- 47 3) Costs associated with having the bins at 200 West picked up

- 4) Complaints about the bins on 200 West being too full and overflowing
- 5) Costs and time associated with City employees cleaning up the 200 West bin recycling area.

Based on these points, the Mayor made the following recommendation:

- 1) That the recycling bins at 200 West be discontinued
- 2) That recycling be supported to promote the long-term use of the landfill
- 3) When the landfill closes, it will affect all residents; therefore, all residents should participate in a City-wide recycling program.

Councilwoman Holbrook stated that since the Council voted on May 27th to participate in an “opt-in” program, she has studied the matter further and she made a motion to rescind that May 27th action of the Council and to establish a City-wide (all households) recycling program and enter into a contract with Waste Management to perform this service. Councilman Knight seconded the motion.

Councilman Moss stated that the issue is not “for” or “against” recycling – it is about responding to the survey in which 58 percent of the residents of the City did not want a mandatory recycling program. He also questioned what the City would do with the 6,000 “second” garbage cans which most likely would not longer be used if recycling was not optional. He also expressed concern for the people who are on fixed incomes and for whom this would create a hardship. As an alternative solution, he asked about the possibility of the City providing the recycling service, as opposed to a private contractor. (This paragraph will be replaced with a verbatim transcript, as per the request of Councilman Moss).

Councilman Tolman asked if only the concept of city-wide recycling could be approved and Mr. Hardy noted that inasmuch as bids have been received, and Waste Management was the low bid, the City would be bound to that contractor. Mr. Hardy also acknowledged that the excess garbage cans would be a problem; however, they could eventually be used to replace garbage cans as they wear out. He also noted that the City had done a cost analysis on doing our own recycling collection and costs were very close to those quoted by Waste Management. Councilman Moss requested copies of the study referred to by Mr. Hardy and he (Councilman Moss) also questioned whether or not this matter was properly noticed on the Agenda.

Councilwoman Holbrook restated her motion to rescind the Council’s action on May 27th regarding the “opt in” program, to cancel the 200 West recycling collection area (due to costs involved with pick up by the commercial vendor and employee costs associated with keeping the area clean), and to enter into a contract with Waste Management to provide an all-inclusive recycling program in Bountiful. Councilman Knight seconded the motion which carried by a majority with Councilpersons Holbrook, Tolman and Knight voting “aye” and Councilmen Moss and Myers voting “nay”.

COUNCIL COMMITTEE REPORTS

Mayor Johnson reminded the group of the July 24th breakfast (7:00 a.m.) sponsored by the Exchange Club and Councilman Tolman reviewed that historical tours will be provided throughout the day. He also noted that a picture of the Bountiful C C Camp was recently found in the attic of the Tolman home on 100 East before it was torn down.

1 The meeting adjourned at 8:38 p.m. on a motion made by Councilman Tolman and
2 seconded by Councilwoman Holbrook. Voting was unanimous with Councilpersons Holbrook,
3 Knight, Moss, Myers and Tolman voting “aye”.
4
5
6
7

8
9
10
11
12
13
14
15

JOE L. JOHNSON, Mayor

KIM J. COLEMAN

* * * * *